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General Assembly

Seventy-second session

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34th plenary meeting
Thursday, 26 October 2017, 10 a.m.
New York

President: Mr. Lajčák ..... (Slovakia)

The meeting was called to order at 10.05 a.m.

Agenda item 7 (*continued*)

Organization of work, adoption of the agenda and allocation of items

Second report of the General Committee (A/72/250/Add.1)

The President: I should like to draw the attention of representatives to the second report of the General Committee contained in document A/72/250/Add.1. In paragraph 1 of the report, the General Committee decided to postpone its consideration of the question of the inclusion of the item entitled "Complete withdrawal of foreign military forces from the territory of the Republic of Moldova" to one of its subsequent meetings.

In paragraph 2 (a) of the report, the General Committee recommends to the General Assembly that an additional sub-item entitled "Confirmation of the appointment of members of the Investments Committee" be included in the agenda of the current session under agenda item 115 under heading I, "Organizational, administrative and other matters". May I take it that the General Assembly decides to include this sub-item in the agenda of the current session under agenda item 115 under heading I of the agenda?

It was so decided.

The President: In paragraph 2 (b), the General Committee further recommends that the sub-item be allocated to the Fifth Committee. May I take it that the General Assembly decides to allocate this sub-item to the Fifth Committee?

It was so decided.

The President: I should like to inform members that the sub-item entitled "Confirmation of the appointment of members of the Investments Committee" becomes sub-item (j) of agenda item 115 on the agenda of the current session. The Fifth Committee will be informed of the decision just taken by the General Assembly.

In paragraph 3 (a) of the report, the General Committee recommends to the General Assembly that an additional item entitled "Observer status for the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean in the General Assembly" be included in the agenda of the current session under heading I. May I take it that the General Assembly decides to include this item in the agenda of the current session under heading I?

It was so decided.

The President: In paragraph 3 (b), the General Committee further recommends that the item be allocated to the Sixth Committee. May I take it that the General Assembly decides to allocate this item to the Sixth Committee?

It was so decided.

The President: I should like to inform members that the item entitled "Observer status for the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean in the General Assembly"

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becomes item 175 on the agenda of the current session. The Sixth Committee will be informed of the decision just taken by the General Assembly.

In paragraph 4 (a) of the report, the General Committee recommends to the General Assembly that an additional item entitled "Cooperation between the United Nations and regional and other organizations: cooperation between the United Nations and the Organization of Islamic Cooperation" be included in the agenda of the current session under heading I. May I take it that the General Assembly decides to include this item in the agenda of the current session under heading I?

It was so decided.

The President: In paragraph 4 (b), the General Committee further recommends that the item be considered directly in plenary meeting. May I take it that the General Assembly decides to consider this item directly in plenary meeting?

It was so decided.

The President: I should like to inform members that the item entitled "Cooperation between the United Nations and regional and other organizations: cooperation between the United Nations and the Organization of Islamic Cooperation" becomes item 176 on the agenda of the current session.

In paragraph 5 (a) of the report, the General Committee recommends to the General Assembly that an additional item entitled "Impact of exponential technological change on sustainable development and peace" be included in the agenda of the current session under heading I. May I take it that the General Assembly decides to include this item in the agenda of the current session under heading I?

It was so decided.

In paragraph 5 (b), the General Committee further recommends that the item be considered directly in plenary meeting. May I take it that the General Assembly decides to consider this item directly in plenary meeting?

It was so decided.

The President: I should like to inform members that the item entitled "Impact of exponential technological change on sustainable development and peace" becomes item 177 on the agenda of the current session.

Agenda item 74

Report of the International Court of Justice

Report of the International Court of Justice (A/72/4)

Report of the Secretary-General (A/72/345)

The President: The annual consideration of the report of the International Court of Justice (A/72/4) by the General Assembly has been a tradition since 1968. It is integral to the efforts aimed at strengthening the relationship between two main organs of the United Nations: the General Assembly and the International Court of Justice. Today it is my pleasure and privilege to welcome the Honourable Judge Ronny Abraham, President of the Court, to this meeting. Before we start the consideration of the report, allow me to make three brief points on the role of the International Court of Justice.

First, I want to underline the contribution of the Court to the cause of peace. The United Nations was created to save succeeding generations from the scourge of war. The Charter of the United Nations declared, among other things, that one of the objectives of the Organization is to establish conditions under which justice and respect for international law can be maintained. The International Court of Justice, as the principal judicial organ of the United Nations, plays a key role in that regard.

While the Court's judgments are binding only on the parties to the case in question, the jurisprudence of the Court has far-reaching impact. It sends a powerful message across the world. Through the exercise of its functions in the peaceful settlement of disputes, the Court also plays an important role in the prevention of conflicts. And in doing so, it contributes to the United Nations wider efforts for peace.

Secondly, I want to acknowledge the role of the Court's work in strengthening the rule of law, not only in the sphere of inter-State relations, but also within the United Nations system. The vision outlined in the Charter cannot be achieved without the rule of law. That is what underpins all of the work we do, whether related to peace and security, sustainable development or human rights. The Court's judgments, as well as its advisory opinions, are key to strengthening the commitment of the international community to the rule of law.

A lot has changed since the International Court of Justice was established. However, the third point I want to make is that the Court remains as relevant as ever. The annual report before us today once again details the high level of activity and interest on the part of States in relation to the Court's work. The 2016-2017 period again saw a number of States, from various parts of the world, submit their disputes to the Court's adjudication. It is also encouraging to note that the positive trend in the level of acceptance of the Court's compulsory jurisdiction continues. Moreover, our annual consideration of the Court's report shows the sustained interest of States Members of the United Nations in the work that takes place in the Peace Palace at The Hague.

It is now my honour to invite Judge Ronny Abraham, President of the International Court of Justice, to take the floor.

Judge Abraham, President of the International Court of Justice (*spoke in French*): It is an honour for me to be addressing the General Assembly once again as it considers the annual report of the International Court of Justice (A/72/4) on its activities over the past year. I am happy to be carrying on what is already a very old tradition. I am pleased to have the opportunity to do so before an Assembly meeting under the presidency of His Excellency Mr. Miroslav Lajčák, to whom I offer my warm congratulations on his election; he has my very best wishes for this most distinguished of missions.

Between 1 August 2016 — the starting date of the period covered by the Court's report — and today, up to 19 contentious cases and one advisory opinion have been pending before the Court. During that same period, the Court has held hearings in six cases. The Court first heard the oral arguments of the parties on the preliminary objections submitted by Kenya in the case concerning *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)*. It then held hearings on three requests for provisional measures submitted, in turn, in the case concerning *Immunities and Criminal Proceedings (Equatorial Guinea v. France)*, in the case concerning *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)* and in the *Jadhav Case (India v. Pakistan)*. Finally, in early July, the Court heard the oral arguments of the parties on the merits in the cases concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica v. Nicaragua)* and *Land Boundary in the Northern Part of Isla Portillos (Costa Rica v. Nicaragua)*, which were joined in February.

Since 1 August 2016, the Court has also delivered four judgments and three orders indicating provisional measures. The first three judgments concerned questions of jurisdiction and admissibility raised in the cases regarding *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. India)*, *(Marshall Islands v. Pakistan)* and *(Marshall Islands v. United Kingdom)* and the fourth addressed the preliminary objections raised by Kenya in the case concerning *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)*. The orders indicating provisional measures were made, in turn, in the case concerning *Immunities and Criminal Proceedings* instituted by Equatorial Guinea against France, in the case instituted by Ukraine against the Russian Federation and in the case instituted by India against Pakistan.

(*spoke in English*)

As is customary, I shall now give a brief overview of the substance of those decisions.

Having already presented the three judgments rendered by the Court on 5 October 2016 in the cases concerning *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. India)*, *(Marshall Islands v. Pakistan)* and *(Marshall Islands v. United Kingdom)* in the statement that I had the honour to give last year to the Assembly, I shall not go back over those decisions. I shall therefore begin by recalling certain elements of the judgment rendered by the Court on 2 February 2017 on the preliminary objections raised by Kenya in the case concerning *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)*.

In this regard, let me first recall some factual elements. Somalia and Kenya, adjacent States on the coast of East Africa, are parties to the United Nations Convention on the Law of the Sea (UNCLOS). Under article 76, paragraph 8, of UNCLOS, a State party to the Convention intending to establish the outer limits of its continental shelf beyond 200 nautical miles shall submit information on such limits to the Commission on the Limits of the Continental Shelf (CLCS). The role of the CLCS is to make recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf beyond

200 nautical miles. With regard to disputed maritime areas, the CLCS requires the prior consent of all the States concerned before it will consider submissions regarding such areas.

As the Court recalls in its judgment, Somalia and Kenya signed a Memorandum of Understanding on 7 April 2009, agreeing to grant each other a no-objection in respect of submissions made to the CLCS on the outer limits of the continental shelf beyond 200 nautical miles. Paragraph 6 of the Memorandum further provides that:

> "[t]he delimitation of maritime boundaries in the areas under dispute ... shall be agreed between the two coastal States ... after the Commission has concluded its examination of the separate submissions made by each of the two coastal States and made its recommendations...".

In the following years, both parties raised and withdrew objections to the consideration of each other's submissions by the CLCS. Those submissions are currently under consideration by the CLCS.

On 28 August 2014, Somalia instituted proceedings against Kenya before the Court, requesting the latter to determine, on the basis of international law, the complete course of the single maritime boundary dividing all the maritime areas appertaining to Somalia and to Kenya in the Indian Ocean, including the continental shelf beyond 200 nautical miles. As a basis for the Court's jurisdiction, Somalia invoked the declarations recognizing the Court's jurisdiction as compulsory made by the two States. Kenya, however, raised two preliminary objections: one concerning the jurisdiction of the Court and the other the admissibility of the application.

In its judgment dated 2 February 2017, the Court first examined Kenya's objection concerning the jurisdiction of the Court. In this objection, Kenya argued that the Court lacked jurisdiction to entertain the case as a result of one of the reservations to its declaration accepting the compulsory jurisdiction of the Court, which excludes disputes in regard to which the parties have agreed "to have recourse to some other method or methods of settlement". Kenya asserted that the Memorandum constituted an agreement to have recourse to another method of settlement. It added that the relevant provisions of UNCLOS on dispute settlement also amounted to an agreement on the method of settlement.

The Court first considered whether the Memorandum fell within the scope of Kenya's reservation. Having examined the legal status of that instrument under international law, it concluded that it was a valid treaty which entered into force upon signature and which was binding on the parties under international law. The Court then proceeded to interpret the Memorandum and concluded that it did not constitute an agreement by the parties to have recourse to some other method or methods of settlement within the meaning of Kenya's reservation to its declaration recognizing the Court's jurisdiction. Therefore, it did not fall within the scope of that reservation.

The Court next considered whether Part XV of UNCLOS, entitled "Settlement of disputes", amounted to an agreement between the parties on a method of settlement for their maritime boundary dispute within the meaning of Kenya's reservation. It focused on article 282 of the Convention in particular, which provides that

> "[i]f the States Parties which are parties to a dispute concerning the interpretation or application of [UNCLOS] have agreed, through a general, regional or bilateral agreement or otherwise, that such dispute shall, at the request of any party to the dispute, be submitted to a procedure that entails a binding decision, that procedure shall apply in lieu of the procedures provided for in [Part XV], unless the parties to the dispute otherwise agree".

The Court was of the view that the phrase "or otherwise" in article 282 encompassed agreement to the jurisdiction of the Court resulting from optional clause declarations, even when such declarations contain a reservation to the same effect as that of Kenya. It concluded from this that, under article 282, the optional clause declarations of the Parties constituted an agreement reached "otherwise" to settle in the Court disputes concerning the interpretation or application of UNCLOS and that the procedure before the Court should therefore apply "in lieu" of procedures provided for in section 2 of Part XV.

Accordingly, the dispute did not, by virtue of Part XV of UNCLOS, fall outside the scope of Kenya's optional clause declaration. The Court concluded that Kenya's preliminary objection to the jurisdiction of the Court had to be rejected. It then turned to the second preliminary objection raised by Kenya, which concerned the admissibility of the application.

The Court recalled that, according to Kenya, the application was inadmissible for two reasons. First, Kenya argued that the parties had agreed in the Memorandum to delimit their boundary by negotiation and only after the completion of the CLCS review of their submissions. Having previously found that the Memorandum did not bind the parties to wait for the outcome of the CLCS process and did not impose an obligation on the parties to settle their maritime boundary dispute through a particular method of settlement, the Court also rejected this aspect of Kenya's second preliminary objection.

Secondly, Kenya contended that Somalia's withdrawal of its consent to the consideration by the CLCS of Kenya's submission was in breach of the memorandum. The Court observed that the violation by Somalia of a treaty at issue in the case did not per se affect the admissibility of its application. In the light of the foregoing, the Court found that the preliminary objection to the admissibility of Somalia's application had to be rejected.

The Court therefore found that it had jurisdiction to entertain the application filed by the Federal Republic of Somalia on 28 August 2014 and that the application was admissible. By an order dated 2 February 2017, the Court fixed 18 December 2017 as the deadline for Kenya to file its counter-memorial in the case. The proceedings are therefore currently pending.

As already mentioned, during the reporting period, the Court also handed down three orders for the indication of provisional measures, which I will briefly present in chronological order. The first one was issued on 7 December 2016 in the case concerning *Immunities and Criminal Proceedings* (*Equatorial Guinea v. France*). As a French national, I did not exercise the functions of the presidency in this case, in accordance with article 32, paragraph 1, of the rules of the Court. This role was assumed by the Vice-President of the Court, in conformity with article 13 of the rules.

I would like to recall that, on 13 June 2016, Equatorial Guinea instituted proceedings against France with regard to a dispute concerning the alleged immunity from criminal jurisdiction of the Vice-President of the Republic of Equatorial Guinea, Mr. Teodoro Nguema Obiang Mangue, and the legal status of a building located at 42 avenue Foch in Paris. Equatorial Guinea contended, inter alia, that, by initiating criminal proceedings against its Vice-President in charge of Defence and State Security and by ordering the attachment or *saisie pénale immobilière* of a building said to house its Embassy, France had disregarded immunities accorded under international law and violated Equatorial Guinea's sovereignty.

A few weeks later, on 29 September 2016, Equatorial Guinea submitted a request for the indication of provisional measures, asking the Court, inter alia, to order that France suspend all the criminal proceedings brought against the Vice-President of Equatorial Guinea, that France ensure that the building located at 42 avenue Foch in Paris is treated as premises of Equatorial Guinea's diplomatic mission in France, and, in particular, assure its inviolability, and that France refrain from taking any other measure that might aggravate or extend the dispute submitted to the Court. Equatorial Guinea sought to found the Court's jurisdiction on two instruments, namely the Convention against Transnational Organized Crime and the Optional Protocol to the Vienna Convention on Diplomatic Relations.

In its order, the Court, following its usual methodology, first examined whether the jurisdictional clauses contained in these instruments conferred upon it *prima facie* jurisdiction to rule on the merits, enabling it — if the other necessary conditions were fulfilled — to indicate provisional measures. Having examined the relevant elements, the Court considered that it did not have *prima facie* jurisdiction under article 35, paragraph 2, of the Convention against Transnational Organized Crime to entertain Equatorial Guinea's request relating to the alleged immunity of Mr. Teodoro Nguema Obiang Mangue.

It did, however, find that it had *prima facie* jurisdiction under article I of the Optional Protocol to the Vienna Convention to entertain the second aspect of the dispute concerning the building located at 42 avenue Foch in Paris. The Court was therefore of the view that it could, on this basis, examine Equatorial Guinea's request for the indication of provisional measures insofar as it concerned that building.

Having found that it did not have *prima facie* jurisdiction to entertain the alleged violations of the Convention against Transnational Organized Crime, the Court addressed only Equatorial Guinea's alleged right to the inviolability of the premises of its diplomatic mission, in respect of which article 22 of the Vienna Convention was invoked. The Court concluded that

the conditions required by its Statute for it to indicate provisional measures in respect of the building located at 42 avenue Foch in Paris had been met. It therefore indicated that France should, pending a final decision in the case, take all measures at its disposal to ensure that the premises presented as housing the diplomatic mission of Equatorial Guinea enjoy treatment equivalent to that required by article 22 of the Vienna Convention on Diplomatic Relations in order to ensure their inviolability.

On 19 April 2017, the Court handed down a second order for the indication of provisional measures in the case concerning *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*. This case was instituted on 16 January 2017 by Ukraine against the Russian Federation with regard to alleged violation of the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).

With reference to the International Convention for the Suppression of the Financing of Terrorism, Ukraine contended that the Russian Federation, in violation of its obligations under that Convention, had failed to take appropriate measures to prevent the financing of terrorism in Ukraine by public and private actors on the territory of the Russian Federation and that it had repeatedly refused to investigate, prosecute or extradite offenders within its territory brought to its attention by Ukraine. With reference to CERD, Ukraine contended that the Russian Federation, in violation of its obligations under that Convention, had imposed on the Crimean peninsula "a regime of ethnic Russian dominance" and had engaged in systematic discrimination against the Crimean Tatars and ethnic Ukrainians in Crimea.

The Court's decision followed a request for the indication of provisional measures submitted by Ukraine, also on 16 January 2017. In its request, Ukraine stated that it was seeking to safeguard the rights it claimed under the two cited Conventions, pending the Court's decision on the merits. In its order, the Court first recalled that it was not called upon, for the purposes of its decision on the request for the indication of provisional measures, to establish the existence of breaches of the parties' obligations under either of these Conventions, but to determine whether the circumstances required the indication of provisional measures for the protection of rights. It stated that it was fully aware of the context in which the case had been brought before it, in particular the fighting taking place in large parts of eastern Ukraine and the destruction on 17 July 2014 of Malaysia Airlines Flight MH-17 while it was flying over Ukrainian territory en route between Amsterdam and Kuala Lumpur, which claimed a large number of lives. Nevertheless, the Court recalled that the case before it was limited in scope.

In respect of the events in the eastern part of its territory, Ukraine brought proceedings only under the International Convention for the Suppression of the Financing of Terrorism. With regard to the events in Crimea, Ukraine's claim was based solely upon CERD, and the Court was not called upon, as Ukraine expressly recognized, to rule on any issue other than allegations of racial discrimination made by it. Moreover, the Court reminded the parties that the Security Council, in its resolution 2202 (2015), had endorsed the "Package of measures for the Implementation of the Minsk Agreements", adopted and signed in Minsk on 12 February 2015. The Court said that it expected the parties, through individual and joint efforts, to work for the full implementation of this "Package of measures" in order to achieve a peaceful settlement of the conflict in the eastern regions of Ukraine.

The Court thereafter turned to the question of whether the jurisdictional clauses contained in the International Convention for the Suppression of the Financing of Terrorism and CERD conferred upon it *prima facie* jurisdiction to rule on the merits, enabling it — if the other necessary conditions were fulfilled — to indicate provisional measures. It considered that the evidence before it was sufficient to establish, *prima facie*, that the procedural preconditions for its being seized, set out in article 24, paragraph 1, of the International Convention for the Suppression of the Financing of Terrorism and in article 22 of CERD, had been met.

The Court then turned to the rights for which protection was sought and was of the view that the conditions required for the indication of provisional measures in respect of the rights alleged by Ukraine on the basis of the International Convention for the Suppression of the Financing of Terrorism had not been met. With regard to CERD, it considered that the conditions required by its Statute for it to indicate provisional measures were met. It therefore found that,

in order to protect the rights claimed by Ukraine with regard to the situation in Crimea, the Russian Federation should, in accordance with its obligations under CERD, first, refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis, and, secondly, ensure the availability of education in the Ukrainian language. The Court added that both parties should refrain from any action that might aggravate or extend the dispute before it or make it more difficult to resolve.

A few weeks later, on 18 May 2017, the Court handed down a third order for the indication of provisional measures, in the *Jadhav Case* (*India v. Pakistan*). In this case, instituted on 8 May 2017, India alleges that Pakistan violated article 36 of the Vienna Convention on Consular Relations, of 24 April 1963, with respect to an Indian national, Mr. Jadhav, sentenced to death in Pakistan. The applicant contends that it had not been informed of Mr. Jadhav's detention until weeks after his arrest and that Pakistan failed to inform the accused of his rights. It further alleges that, in violation of the Vienna Convention, the authorities of Pakistan have been denying India its right of consular access to Mr. Jadhav, despite its repeated requests. The Court's order was made in response to a request for the indication of provisional measures, also filed on 8 May 2017.

In its request for the indication of provisional measures, India maintained that the alleged violation of the Vienna Convention by Pakistan

> "ha[d] prevented India from exercising its rights under the Convention and ha[d] deprived the Indian national from the protection accorded under the Convention".

It added that Mr. Jadhav

> "[would] be subjected to execution unless the Court indicate[d] provisional measures directing the Government of Pakistan to take all measures necessary to ensure that he [was] not executed until th[e] Court's decision on the merits"

of the case.

In its order, having found that it had *prima facie* jurisdiction under article I of the Optional Protocol to the Vienna Convention on Consular Relations, and having concluded that the conditions required by its Statute for it to indicate provisional measures had been met, the Court decided that Pakistan should take all measures at its disposal to ensure that Mr. Jadhav was not executed pending the final decision in these proceedings and should inform the Court of all the measures taken in implementation of said order. The Court also decided that, until it had given its final decision, it should remain seized of the matters which form the subject matter of said order.

(*spoke in French*)

I will turn to the new cases brought before the Court during the reporting period. In addition to the two cases just referred to — between Ukraine and the Russian Federation and between India and Pakistan — in which the Court issued orders on the indication of provisional measures, a further four sets of proceedings were instituted, three of which were contentious and one advisory.

First, on 16 January 2017, the Republic of Costa Rica instituted proceedings against the Republic of Nicaragua with regard to a dispute concerning the precise definition of the boundary in the area of Los Portillos/Harbor Head Lagoon and the establishment of a new military camp by Nicaragua on the beach of Isla Portillos. I would specify that, given the nature of the claims made by Costa Rica in these new proceedings and the close link between those claims and certain aspects of the dispute in the case concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean* (*Costa Rica v. Nicaragua*), the Court decided to join the proceedings in the two cases on 2 February 2017. As I mentioned in my opening remarks, hearings were held at the start of July 2017, and this new case is currently under deliberation.

A second case was brought before the Court on 2 February. On that date, Malaysia filed an application for review of the judgment of the Court of 23 May 2008 in the case concerning *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore)*. In its application, Malaysia contends that there is new evidence of such a nature as to have a decisive influence within the meaning of Article 61 of the Statute of the Court, which authorizes, under certain conditions, a State to request the revision of a judgment. Malaysia refers in particular to three documents found in the United Kingdom's national archives between 4 August 2016 and 30 January 2017. It states that these documents highlight new evidence, namely that,

> "officials at the highest levels in the British colonial and Singaporean administration appreciated that Pedra Branca/Pulau Batu Puteh did not form part of Singapore's sovereign territory"

during the relevant period. According to Malaysia, "the Court would have been bound to reach a different conclusion on the question of sovereignty over Pedra Branca/Pulau Batu Puteh had it been aware of this new evidence".

A few months later, on 30 June, Malaysia brought a new case before the Court by filing a request for interpretation of the judgment of the Court of 23 May 2008 in the case concerning *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore)*. Malaysia bases its request for interpretation on Article 60 of the Statute of the Court, which provides that

> "[i]n the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party".

Malaysia also bases its request on article 98 of the rules of the Court.

The applicant states that, "Malaysia and Singapore have attempted to implement the 2008 judgment through cooperative processes". To that end, Malaysia affirms that they have established a joint technical commission, responsible in particular for the delimitation of maritime boundaries between the territorial waters of the two countries. According to Malaysia, the work of this Committee culminated in a stalemate in November 2013. Malaysia further asserts that

> "one of the reasons for this stalemate is that the Parties were unable to agree on the meaning of the 2008 judgment in respect of South Ledge and the waters surrounding Pedra Branca/Pulau Batu Puteh".

To conclude this overview, I should mention the request for an advisory opinion presented by the Assembly in June 2017 on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965. From a procedural point of view, the Court has, as the Assembly is aware, decided in its order of 14 July 2017 that the United Nations and its Member States were likely to be able to furnish information on the question submitted to the Court for an advisory opinion. It fixed 30 January 2018 as the date of expiry of the period within which written submissions on the matter could be submitted to the Court, in accordance with Article 66, paragraph 2, of its Statute, and it fixed 16 April 2018 as the date of expiry of the period within which States or organizations having presented written statements to comment in writing on other written statements, in accordance with Article 66, paragraph 4, of the Statute.

I turn now to the requests for budgetary appropriations for the 2018–2020 biennium that the Court transmitted to the Assembly this year. The Court is fully aware of the budgetary constraints of the Organization and its Member States, and of the need for the United Nations as a whole and for the Court in particular to demonstrate the necessary fiscal discipline in this area. The appropriations requested by the Court this year, which represents a slight increase, meet the essential requirements for guaranteeing the good administration of international justice, thus fulfilling the mandate conferred to the Court by the Charter of the United Nations.

The budget of the Court represents less than 1 per cent of the regular budget of the Organization. In view of its prominent role and its ever-growing activity, the Court is undoubtedly a peaceful means of settling disputes and shows particularly exceptional cost-effectiveness. The Court is confident that it can count on the understanding and support of the Assembly in this regard.

In particular, the support of the Assembly will be needed to provide the Court with the means to implement an integrated management software package, known as Umoja, in the next biennium. This software package, which was designed to facilitate and simplify communication across all areas of work within the United Nations Secretariat, has been in use there since 2016. Revised estimates of the budgetary resources required for its implementation have been communicated to the Secretariat by the Court. The adoption of this software package — and the implications of such a project for the administration of the Court, given the small size and specific attributes of its Registry — has required a number of preliminary studies. As these have been successfully completed, the Court has been able to take the necessary decisions and is now ready to deploy Umoja under the best possible conditions.

This concludes the third statement that I have had the honour to address to the General Assembly as

President of the International Court of Justice. This seems to be a good time to mention the confidence the international community continues to have in the Court, which is seen in the submissions to it of a wide variety of disputes, each of them raising important legal questions that touch upon many fields of international law. Beyond the obvious role it has played — and continues to play — in consolidating and developing the law governing issues that might be qualified as standard, such as territorial and maritime boundaries, the Court is increasingly led to address issues that are central to the current concerns of the international community, such as, for example, those relating to the preservation of the environment.

The substantive issues that it is called upon to resolve are regularly accompanied by incidental proceedings that lead the Court to constantly dealing with several cases at the same time. The increase in the number of requests for the indication of provisional measures reveals that States do not hesitate to turn to the Court in a crisis situation, that is, when a risk of irreparable harm is likely to be caused to their rights. In such cases, the Court has mobilized all of its resources to provide a rapid response suitable for these urgent situations. Whatever the mission that States entrust to it, the Court always bears in mind its primary concern, which is to contribute to the maintenance of international peace and security through the application of the law.

(*spoke in English*)

I am grateful for the opportunity to address the General Assembly today, and I wish it every success at its seventy-second session.

The President: I thank the President of the International Court of Justice.

Mr. Boukadoum (Algeria): I have the honour to speak on behalf of the Group of African States.

The African Group will of course associate itself with the statement to be delivered shortly by the Permanent Representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

First of all, the African Group would like to thank the President of the International Court of Justice, Judge Ronny Abraham, for his presentation and also for his report (A/72/4). The African Group continues to consider the International Court of Justice to be the pre-eminent mechanism for the peaceful settlement of disputes at the international level. It should be kept in mind that the Court, as a court of justice and, moreover, the principal judicial organ of the United Nations, occupies a special position. Everything the Court does is aimed at promoting the rule of law. The World Court hands down judgments and gives advisory opinions in accordance with its Statute, which is an integral part of the Charter of the United Nations, and therefore contributes to the promotion and clarification of international law.

The African Group welcomes the reaffirmed confidence that States have shown in its ability to resolve their disputes. In particular, we are pleased to see that States continue to refer to their disputes to the International Court of Justice. We commend States for no longer limiting their referral of cases to matters of low-impact political significance and for referring disputes with weighty political issues to the Court. The number of cases currently pending on the Court docket is a reflection of the esteem in which States hold the International Court of Justice.

Notwithstanding the proliferation of international judicial dispute-settlement mechanisms on either a specialized or regional basis, the Court continues to attract a wide range of cases, covering many areas. While the Court's determination that there is an obligation to cooperate is based principally on treaty obligations, the Court also clearly draws upon general principles, particularly in making the link between procedural and substantive obligations.

The principle of prevention, enunciated in earlier Court decisions, notably the *Corfu Channel* case and in the advisory opinion on the *Legality of the Threat or Use of Nuclear Weapons*, is drawn upon significantly by the Court. As such, the African Group reaffirms the importance of the unanimous Court advisory opinion issued on 8 July 1996 on the *Legality of the Threat or Use of Nuclear Weapons*. In this decision, the International Court of Justice concluded that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. The African Group attaches great importance to this matter because Africa is a nuclear-weapon-free zone.

After another two decades, the Court again had the opportunity to decide on issues pertaining to nuclear weapons. The African Group notes that the Court dismissed the three cases submitted by the Marshall

Islands on the *Obligations Concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. India)*. However, it is worth keeping in mind the closeness of the votes regarding these cases.

Mr. Llorentty Soliz (Plurinational State of Bolivia), Vice-President, took the Chair.

The African Group commends the efficiency and professionalism with which the Court has treated the request by the General Assembly, pursuant to its resolution 71/292, for an advisory opinion on the *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965*. Resolution 71/292 was adopted by an overwhelming majority, testifying the great interest that the membership of the United Nations attaches to the Court's opinion on the matter, which is an opinion that will assist the United Nations in its function in relation to decolonization. We renew our full confidence in the Court as the principal judiciary organ of the United Nations and in the respected judges of the Court.

I would like to conclude by saying that the importance of advisory opinions on legal questions referred to the International Court of Justice cannot be overstated in the pursuit of the peaceful settlement of disputes in accordance with the Charter of the United Nations. It is therefore very positive to note that during the period under review, one request for an advisory opinion was made.

Mr. Khoshroo (Islamic Republic of Iran): It is an honour to take the floor on behalf of the Non-Aligned Movement (NAM) on the occasion of the consideration of an agenda item to which we attach such great importance — the report of the International Court of Justice (A/72/4) — of which we take note.

At the outset, allow us to thank the President of the International Court of Justice for his presentation of the report to the General Assembly on the activities of the Court between 1 August 2016 and 31 July 2017, as requested by this body last year.

The Non-Aligned Movement reaffirms and underscores its principled positions concerning the peaceful settlement of disputes and non-use or threat of use of force. The International Court of Justice plays a significant role in promoting and encouraging the settlement of international disputes by peaceful means, as reflected in the Charter of the United Nations and in such a manner that international peace and security and justice are not endangered. The Movement endeavours to generate further progress to achieve full respect for international law and, in this regard, commends the role of the Court in promoting the peaceful settlement of international disputes in accordance with the relevant provisions of the Statute of the Court and the United Nations Charter, particularly Articles 33 and 94.

In relation to advisory opinions of the Court, having noted the fact that the Security Council has not sought any advisory opinion from the Court since 1970, the NAM urges the Security Council to make greater use of the International Court of Justice, the principal judicial organ of the United Nations, as a source of advisory opinions and for the interpretation of relevant norms of international law, as well as on controversial issues. The NAM further requests that the Council use the Court as a source of interpreting relevant international law and urges the Council to consider having its decisions reviewed by the Court, bearing in mind the need to ensure their adherence to the United Nations Charter and international law.

The Movement also invites the General Assembly, other organs of the United Nations and the specialized agencies duly authorized to do so to request advisory opinions of the International Court of Justice on legal questions arising in the scope of their activities. Moreover, the States members of the Movement reaffirm the importance of the Court's unanimous advisory opinion issued on 8 July 1996 on the *Legality of the threat or use of nuclear weapons*, in which the Court concluded that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all aspects under strict and effective international control.

In conclusion, the Non-Aligned Movement continues to call on Israel, the occupying Power, to fully respect the Court's advisory opinion of 9 July 2004, entitled *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and calls upon all States to respect and ensure respect for the provisions therein for the realization of the end of the Israeli occupation that began in 1967 and for the independence of the State of Palestine with East Jerusalem as its capital.

Mr. Kessel (Canada): I have the honour to speak today on behalf of Australia and New Zealand, as well as my own country, Canada.

On behalf of Canada, Australia and New Zealand (CANZ), I would like to thank the President of the International Court of Justice, Judge Ronny Abraham, for his report on the work of the Court over the past year (A/72/4). As countries that firmly believe that the rule of law is the foundation of the international system and that the peaceful settlement of disputes is essential to international peace and security, CANZ countries have always been strong supporters of the International Court of Justice and maintain ongoing respect for the work of the Court. Of course, the subsequent implementation of a ruling by the Court is essential if the final resolution of a dispute is to be ensured.

One of the primary goals of the United Nations, as stated in the Preamble to the Charter of the United Nations, is to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained. The International Court of Justice, as the principal judicial organ of the United Nations and the only international court with general international law jurisdiction, is uniquely placed to further this goal.

As the Court's report records, disputes have been submitted to it by a variety of States from many regions. This diversity, together with the wide-ranging, significant and complex subject matter under deliberation and pending before the Court, bears testament to the importance that Member States attribute to the role of the Court in resolving international disputes. Indeed, we underline that the willingness of States to turn to the Court to resolve differences of views must be welcomed as an important means of ensuring the peaceful settlement of disputes.

Our confidence in the Court is reflected in our acceptance of the Court's compulsory jurisdiction. CANZ believes that wider acceptance of the compulsory jurisdiction of the Court would enable it to fulfil its role more effectively, by reducing jurisdictional disputes, thus allowing the Court to move more quickly to focus its attention on the substance of disputes. In line with resolution 68/116, we continue to urge Member States that have not done so to deposit with the Secretary-General a declaration of acceptance of the Court's compulsory jurisdiction.

(*spoke in French*)

We look forward to the contributions of the new and re-elected judges that the General Assembly and Security Council will be choosing this year for the International Court of Justice. We take this opportunity to thank the members of the Court for their dedication and commitment to this institution. Canada, Australia and New Zealand would also like to express their appreciation in particular to Judge and Vice-President Abdulqawi Ahmed Yusuf, as well as Judge and President Ronny Abraham, for their contribution towards the interpretation and development of international law in recent years.

We expect that the Court's programme of work in the year ahead will remain full as States continue to demonstrate their confidence in the Court. We are aware that the Court's caseload continues to be demanding and are grateful for its contribution to the peaceful settlement of disputes.

Mr. Vieira (Brazil): It is my honour to deliver this statement on behalf of Angola, Cabo Verde, Guinea-Bissau, Equatorial Guinea, Mozambique, Portugal, Sao Tome and Principe, Timor-Leste and my own country, Brazil — all States members of the Community of Portuguese-speaking Countries (CPLP).

I would like to begin by expressing our gratitude to the President of the International Court of Justice, Judge Ronny Abraham, for his thorough report on the Court's work for the judicial year 2016-2017 (A/72/4).

The International Court of Justice is the only international court of a universal character with general jurisdiction. The Court holds important responsibilities in the international community as it plays a fundamental role in the judicial settlement of disputes between States and in strengthening of the international rule of law at the level. Furthermore, such a role enables it to play another very particular role, which is to help prevent disputes between States erupting into violence.

The Court's crucial function in the international legal system is becoming increasingly recognized and accepted. All States Members of the United Nations are parties to the Statute of the Court, and 73 of them have recognized its jurisdiction as compulsory. Moreover, approximately 300 bilateral and multilateral treaties provide for the Court to have jurisdiction over the resolution of disputes arising out of their application or interpretation. The heavy workload and the wide range of subjects that the Court has ruled on confirm its success. It must be noted that the Court's cases come from all over the world, relate to a great variety of matters and have high levels of factual and legal complexity. This reaffirms the universality of the

Court, the expansion of the scope of its work and its growing specialization.

The Court is making an impressive effort to cope with the very demanding level of activity. However, it is important for Member States to acknowledge the Court's need for adequate resources.

The Court has often recalled that everything it does is aimed at promoting the rule of law. That is indeed so. It is worth reiterating the outstanding contribution that the International Court of Justice has made to the development of international law. In that regard, we should also stress that, although the International Court of Justice is a main player in the international judicial area, there are other international courts and tribunals whose significance should be emphasized. The CPLP member States strongly believe that all such courts should cooperate with a view to enhancing the international legal order through dialogue and cross-fertilization.

We acknowledge that tension frequently exists between law and power. It is sometimes hard to balance States' obligation to settle their disputes peacefully and the need for sovereign consent in order to resort to such mechanisms. However, it is our firm belief that the Court is an institutional pillar of international society. The CPLP member States are confident that the Court will continue to overcome the growing challenges that it is bound to face. Such challenges are a good sign. They mean that States have confidence that the Court will help to settle their disputes and strengthen the international rule of law in bending towards justice and peace.

I would now like to make some comments in my national capacity.

Both Secretary-General Guterres and the President of the General Assembly have underscored the need for the United Nations to focus on prevention, which is linked to the peaceful settlement of disputes. The Court is at the core of those efforts, for it is more than just another body listed in Chapter VI of the Charter of the United Nations. It is the main judicial organ of the United Nations and the only international court of a universal character with general jurisdiction. For more than 70 years, it has helped to crystallize and clarify international law in areas as diverse as the law of the sea, human rights, treaty interpretation and the use of force, to name only a few. Through its judgments and advisory opinions, it has upheld the principles of the Charter and contributed to ensuring the primacy of law in international affairs.

The Court's most recent report is yet another chapter in its auspicious history, with details of four judgments, 14 orders and six new proceedings, including one request for an advisory opinion from the General Assembly. The high level of activity, diverse geographic spread of cases and variety of subject matter demonstrate the Court's renewed vitality and its universal role in promoting justice. It also reminds us of the heavy demands placed on the Court and of the efforts it has been making to keep up with its increasing workload.

We are proud to have contributed to that process throughout the Court's history with highly qualified Brazilian judges. I would like to take this opportunity to pay tribute to their work in the cause of justice, a tradition currently honoured by Judge Antônio Augusto Cançado Trindade. Brazil has decided to present his candidacy for re-election, reflecting both our faith in the future role of the Court and our faith in Judge Trindade's work in strengthening the Court and international law.

Brazil also welcomes the Court's outreach efforts, which bring it closer to a variety of audiences and thereby help to disseminate international law. We note with satisfaction the redesign of the Court's website and its compatibility with international accessibility standards.

In conclusion, I would like to reaffirm Brazil's unwavering support for the Court and its pivotal role in strengthening the rule of law at the international level. We believe that the Court will continue to play a key role in promoting a culture of peace, tolerance and justice and thereby advancing the higher goals of the United Nations.

Ms. Varga (Hungary): On behalf of the Visegrád 4 Group — the Czech Republic, Poland, Slovakia and my own country, Hungary, I would like to thank the President of the International Court of Justice, Judge Ronny Abraham, for presenting the Court's report for the year 2016-2017 (A/72/4). I have the honour to present the position of the Visegrád countries with respect to the Court's report.

Today the question of the peaceful settlement of international disputes is as timely as ever. The principle of the peaceful settlement of disputes between States

is enshrined in the Charter of the United Nations and, among other things, was reaffirmed in 1982 in the Manila Declaration on the Peaceful Settlement of International Disputes. Strict observance of that principle is a prerequisite for the maintenance of international peace and security. The Visegrád Group is a staunch supporter of the International Court of Justice, the principal judicial organ of the United Nations, which has contributed to the maintenance of international peace and security for more than 72 years by rendering justice for States.

Turning to the subject of the cases before the Court in the period from 2016 to 2017, we note with appreciation that the Court has closed a busy year. Besides having received a request from the General Assembly for an advisory opinion, in accordance with Article 65 of the Statute of the Court, it has 19 contentious cases pending on its agenda. The Court's recent cases have given it a unique opportunity to elaborate on questions of international law on a wide range of issues, including territorial and maritime disputes, the application of certain treaty obligations, the use of force and the protection of the environment. The variety of the Court's work is a testimony to its comprehensive character and the crucial role it plays in upholding and developing international law. The pending cases concern disputes between States from almost all continents, showing that the efforts to promote the Court's global role as an effective forum for the peaceful settlement of disputes have been successful. A regular debate at the Committee of Legal Advisers on Public International Law of the Council of Europe is part of that process.

Let me now turn to the issue of the jurisdiction of the Court. The Visegrád Group is of the view that making full use of the means available for establishing the basis of the Court's jurisdiction is a primary objective, as it increases the likelihood that States will submit their legal disputes to it. We therefore encourage States and international organizations to continue including provisions in future multilateral treaties that could serve as a basis for the Court's jurisdiction in cases of disputes concerning the application or interpretation of the treaty in question. In that context, we would also encourage States to refrain from making reservations to clauses of multilateral treaties that provide for the Court's compulsory jurisdiction.

The Visegrád Group believes that the Court can succeed only if States are committed to respecting the Court's decisions as well as relying on its expertise. Taking into account the fact that the Court has a unique role in the architecture of the peaceful settlement of disputes and in the interpretation and application of international law, we would like to reiterate that compliance with the Court's decisions, judgments and orders is a fundamental prerequisite for the effectiveness of the system of international justice.

Mr. Meza-Cuadra (Peru) (*spoke in Spanish*): Peru welcomes the annual report of the International Court of Justice to the General Assembly (A/72/4) on its work during the period from 1 August 2016 to 31 July 2017.

I would like to begin by emphasizing the fundamental role played by the International Court of Justice, the principal judicial organ of the United Nations, in the system for the peaceful settlement of disputes established in the Charter of the United Nations. Its work is an essential contribution to the promotion of the rule of law at the international level. We would like to recall that in addition to that valuable function, in accordance with Article 96 of the Charter, the Court can issue advisory opinions at the request of the General Assembly, the Security Council and other authorized bodies and specialized organs of the United Nations. Those are the Court's two areas of responsibility. Through its judgments and opinions, it helps to promote and clarify the scope of international law as a true path to peace. Accordingly, my delegation would like to point out that the General Assembly has once again urged States that have not yet done so to consider recognizing the Court's jurisdiction, in accordance with Article 36, paragraph 2, of its Statute, as Peru and 72 other States have done.

My delegation would like to acknowledge the work done by the Court's eminent judges, particularly the President and the Vice-President, as well as the ad hoc Judges. We would also like to put on record our recognition of the valuable and diligent efforts of the Registry of the Court, particularly the Registrar and the Deputy Registrar. In that context, we call on the Assembly to continue to carefully consider the needs of the Court.

The Court's sustained level of activity is an expression of the prestige that this principal judicial organ of the United Nations enjoys, a prestige that is also reflected in the diverse geographical distribution of the cases it hears, which affirms the universal nature of its jurisdiction. Several of those cases, such as that of

a few years ago involving Peru and Chile, are between Latin American States. In that regard, considering the upcoming elections of judges and the provisions of Article 9 of the Court's Statute, Peru would like to highlight the importance of ensuring the presence on the Court of Latin Americans, so that the principal legal systems of the world are duly represented on its bench.

The level of activity of the International Court of Justice requires that it continually consider ways to adapt its working methods to respond to the procedural burden and complexities of the cases before it. We would once again like to reiterate our appreciation to the host State, the Kingdom of the Netherlands, for its ongoing commitment and support to the work of the Court. At the same time, we want to emphasize the importance of cooperation between the Court and the other principal organs of the Organization, based in New York. In that regard, my delegation encourages the good relations between the Court and the Security Council, of which Peru will be a non-permanent member starting in 2018.

I would like to conclude my statement by once again highlighting how profoundly important we believe the work of the International Court of Justice to be, as well as our recognition of its continuing valuable contribution to maintaining international peace and justice and effectively implementing the principle of the peaceful settlement of disputes between States.

Mr. Gafoor (Singapore): My delegation would like to start by thanking President Ronny Abraham for his comprehensive presentation of the activities of the International Court of Justice over the past year. Under the able stewardship of Judge Abraham and Vice-President Abdulqawi Ahmed Yusuf, the Court continues to maintain the highest standards in discharging its vital duties as the principal judicial organ of the United Nations.

Singapore notes the Court's demanding caseload and the continuing diversity of the regions and subject matter represented by the 17 cases pending on its list at the end of the period under review. The list includes two cases involving Singapore that were referred to the Court by Malaysia and pertain to the Court's 2008 judgment in the case concerning sovereignty over Pedra Branca, Middle Rocks and South Ledge.

Singapore believes in a stable and peaceful international order based on the rule of law. The international rule of law is an essential premise for ensuring the validity of the purposes and principles of the United Nations, including the maintenance of international peace and security and the preservation of friendly relations among States. When the Court exercises its advisory jurisdiction, it provides guidance on important issues of international law. When it exercises its contentious jurisdiction, it fulfils a key function in facilitating the obligation to settle disputes peacefully under Article 33 of the Charter of the United Nations. In that regard, Singapore reiterates its commitment to the peaceful resolution of disputes, including those brought before the Court.

Turning to the work of the Court during the period under review, Singapore welcomes its continuing drive to innovate and ensure that its procedures respond to the needs of the parties coming before the Court. In that regard, Singapore noted with interest the Court's appointment of two experts in the exercise of its power under article 50 of its Statute and appreciates the fact that the experts' report has been made available on the Court's website. In that context, Singapore also welcomes the Court's special effort to redesign its website in order to enhance its usability and thereby improve the reach of its jurisprudence.

In closing, Singapore reaffirms its strong support for the work of the Court, which plays a vital role in the international rule of law. We wish it every success in meeting its future challenges and discharging its duties in the year ahead.

Mr. Mikami (Japan): At the outset, I would like to thank Judge Ronny Abraham, President of the International Court of Justice, for his dedication and leadership, as well as for his in-depth and comprehensive report on the work of the Court (A/72/4). I would also like to express my deep appreciation and support for the achievements of the Court during the reporting period.

I would like to commend the International Court of Justice for the important role that it has played over the past 71 years in the peaceful settlement of international disputes and the promotion of the rule of law. As the principal judicial organ of the United Nations, the Court has delivered many important judgments and advisory opinions since its creation in 1946, taking on a diverse range of cases requiring thorough legal examination. The Court is dealing with an increasing demand for legal solutions and opinions on complex legal and factual questions. We believe that the dedication and legal wisdom of the International Court of Justice will continue to attract the respect

and support of all Member States. During this decade, an average of three or four cases per year have been brought before the Court, and 17 are currently pending. That is in stark contrast to the Cold War period. The current figure demonstrates a positive trend in which countries are increasingly turning to the Court for the peaceful settlement of disputes.

The rule of law and peaceful settlement of international disputes provide an essential foundation for any society and are fundamental principles of Japan's foreign policy. Japan became a State party to the Statute of the Court in 1954, two years before it joined the United Nations, and has accepted the Court's compulsory jurisdiction since 1958. We recently had the honour to welcome President Abraham and Mr. Philippe Couvreur, the Registrar of the Court, to Japan this year. They shared their wisdom at lectures and meetings on the rule of law in the international community, which helped deepen understanding of the International Court of Justice and its importance among academics and practitioners in Japan. Japan shares the President's view, expressed during his lecture in Tokyo, that

> "two of the core requirements of a legal system based on the rule of law are consistency and predictability, both of the law itself whether substantive or procedural, and of the judicial decisions".

The international community today enjoys the benefit of numerous peaceful ways to settle disputes other than the Court, such as the International Tribunal for the Law of the Sea, arbitral tribunals, international investment tribunals and the dispute-settlement system of the World Trade Organization. Japan welcomes the current trend whereby States utilize such peaceful means for settling disputes as appropriate. At the same time, given the increasing diversity of ways to achieve peaceful settlements, Japan would like to encourage international courts and tribunals to make efforts to ensure the consistency of the jurisprudence of respective courts and tribunals and thereby avoiding the possible fragmentation of international law. As President Abraham also stated in his lecture in Tokyo, the consistency of international law has

> "been guaranteed by the persistent awareness of the Court of the decisions of other judicial bodies, and the reference it has made to such decisions, when appropriate, in its own judgments".

As I said at the outset, Japan has always accepted the compulsory jurisdiction of the Court. Japan joins other Member States in welcoming Equatorial Guinea's acceptance in August of the Court's compulsory jurisdiction, making it the seventy-third country to do so. In order to encourage other States to follow suit, it is important for the Court to accumulate good, solid judgments and advisory opinions that enjoy the confidence of States. I hope the Court will continue to make its best efforts tos achieve that objective.

Finally, I would like to reiterate our unwavering support for the Court. We believe firmly that it will continue to make a significant contribution to clarifying international law and thereby strengthening the rule of law.

Mr. Castro Cordoba (Costa Rica) (*spoke in Spanish*): We are grateful to President Abraham for his report (A/72/4), and it is an honour for me to participate once again in the General Assembly's annual meeting to consider the report of the International Court of Justice, the only international tribunal of a universal nature that enjoys general jurisdiction and the principal judicial body of the United Nations.

The Court's workload during the reporting period was again very heavy, with four judgments and 14 orders handed down. We are also aware that there are 19 contentious cases and an advisory opinion pending. The Court has held public hearings in five cases and accepted six new ones. We have taken particular notice of the fact that there are cases from four different continents, all of them diverse in nature. That testifies to the Court's universal nature and the importance that the States Members of the United Nations attach to its decisions, as well as to the fundamental peacekeeping role that it plays.

The peaceful settlement of international disputes is a fundamental purpose of the United Nations. This is why the Court's role in the maintenance of international peace and security and the promotion of the rule of law at the international level is key, and why it is therefore the responsibility of the United Nations and Member States to support it in fulfilling its tasks. Through its support, the Organization must ensure that the Court can continue to effectively and objectively address the cases submitted for its consideration in absolute legal and procedural independence and that it has the budgetary resources necessary for the fulfilment of its mandate. In that regard, my delegation was pleased that the General Assembly authorized additional budgetary resources that enabled the Court

to conduct two field inspections in a case to which my country is a party, which certainly ensured the Court's better understanding of the arguments presented by both parties.

Costa Rica sees international law, especially in the International Court of Justice, and with regard to the rule of law at the international level, as the tools that we need to endure. In our view, the compliance of all States with their international obligations vis-à-vis others, including by fully respecting and complying in good faith with the Court's decisions, is fundamental to ensuring justice and peace. That is why we insist on ensuring that the Organization considers options for following up on judicial decisions, in order to avoid situations of non-compliance that violate the rule of law.

The International Court of Justice plays a key role in the promotion and elaboration of the rule of law at the international level. It exercises that function not only through its advisory opinions and judgments but also through its various academic and publicity activities, and through easy access to its decisions via its electronic portal. In that regard, we are particularly pleased to note the Court's efforts to show a special interest in young people, promoting their exposure to international law through internship programmes. We also highlight once again the role that the Court can play in achieving the Sustainable Development Goals as a body that has succeeded in preventing the use of force, defending peoples' right to self-determination, advocating the preservation of the environment and recognizing and avoiding potential violations of human rights.

My delegation accepted the Court's compulsory jurisdiction in 1973 and respectfully urges States that have not yet done so to consider using the mechanism provided in Article 36 of the Statute of the Court to accept its jurisdiction. We firmly believe that the Court will continue to work diligently in order to resolve the disputes submitted to it fairly and impartially, in accordance with the mandate entrusted to it by States through the Charter of the United Nations. In that regard, and in keeping with our traditional respect for the instruments of international law and the rule of law, my country reiterates its commitment to faithfully abiding by all the decisions of the Court, reaffirming our full confidence that the Court will continue to strengthen peace and justice through the objective fulfilment of its mission.

Mrs. Orosan (Romania): We have witnessed yet another year of intensive activity on the part of the International Court of Justice. On behalf of my delegation, I would like to thank the President of the Court for presenting its annual report (A/72/4), which gives us an insightful overview of this most valuable work. We are grateful to the Court for its diligence, and we wish to express our thanks to the President and the members of the Court, as well as the Registry, for dealing with a very demanding schedule while maintaining the highest standards of professionalism and impartiality.

It seems that the international legal order is being increasingly tested nowadays, with challenges coming from many corners. Some of them are the result of States' conduct, while others are based on developments and processes that require an analysis of how they might fit within the existing norms of international law or whether the existing law might have to be adjusted in order to deal with them. In that context, we look to the Court as one of the pillars of the supremacy of the rule of law in international relations. By settling disputes between States and clarifying and refining the norms of international law, the Court makes an enormous contribution to world peace and stability. Many disputes can be halted in their tracks by the Court through a judicious application of the norms of international law. The Court must remain a sought-after tool for resolving international disputes, and for that it has to maintain top-quality judicial work and be fully supported by the States.

The Court's current docket is indicative of the role it plays in the peaceful resolution of international disagreements, as it is called on to settle extremely complex disagreements that are significant not just for the parties directly concerned but for the international community as a whole. We therefore contend that in order for the Court to discharge its role, it needs the strong support of States, including in terms of ensuring that it has adequate financial resources.

As a State that the Court has been seized of in the past, in a maritime boundary case, and that has subsequently accepted the compulsory jurisdiction of the Court, Romania is well placed to express its deep appreciation for the Court's effectiveness and fairness. We commend the world's most important judicial body for its efforts to consolidate the rule of law at the international level. In that context, we call on all States to follow a rules-based approach in their foreign

relations and especially to work to settle any disputes between them exclusively by peaceful means and in accordance with international law.

Ms. Hioureas (Cyprus): It is a privilege to address the General Assembly on the International Court of Justice's report (A/72/4). We are grateful to Judge Ronny Abraham for his introduction of the report and his insightful remarks on the work and functioning of the Court.

During the period under review, the International Court of Justice once again experienced a particularly high level of activity. It issued decisions in four cases, and by the end of the period under review, its list of cases reached 17. That consistently high workload demonstrates the confidence placed in the Court and the respect shown to it by States. That trust is echoed in resolution 71/146, in which the General Assembly emphasized

> "the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, as well as the importance of having recourse to the Court in the peaceful settlement of disputes" (*para. 8*)

and also recalled that

> "consistent with Article 96 of the Charter, the Court's advisory jurisdiction may be requested by the General Assembly, the Security Council or other authorized organs of the United Nations and the specialized agencies" (*ibid.*).

The profound respect of the Republic of Cyprus for the remarkable achievements of the International Court of Justice was demonstrated by its presentation of a gift to the Court, in a ceremony that took place in The Hague on 18 November 2016, of a replica of a limestone head found at the sanctuary of Aphrodite in Arsos, Cyprus, officially presented to Judge Ronny Abraham by Ambassador Alexandros Zenon, Permanent Secretary of the Ministry for Foreign Affairs of the Republic of Cyprus.

The Republic of Cyprus is one of 72 States that have made a declaration recognizing the compulsory jurisdiction of the Court, as contemplated by Article 36, paragraphs 2 and 5, of the Statute. The Court's jurisdiction is further complemented by the more than 3,000 bilateral or multilateral treaties or conventions, which provide the Court with jurisdiction *ratione materiae* in the resolution of various types of disputes. We would like to take this opportunity to call on States to recognize the jurisdiction of the Court, in accordance with Article 36 of the Statute, thereby promoting and facilitating the International Court of Justice's ability to maintain and promote the rule of law throughout the world.

Mr. Alabrune (France) (*spoke in French*): The French delegation would like to thank the President of the International Court of Justice, Judge Ronny Abraham, for his briefing on the International Court of Justice's report on its activities (A/72/4). The report is particularly useful to the Assembly and the States Members of the United Nations, as it testifies to its importance in the peaceful settlement of disputes between States. I would like to take this opportunity to reaffirm France's commitment to the Court as the principal judicial organ of the United Nations.

As its list of cases underscores, the Court has seen an increase in its activities in recent decades. Since the publication of last year's report (A/71/4), six new cases have been brought before the Court. That is a testament to the confidence that States have in the Court and their belief that its decision will encourage peaceful relations. While the Court's judgments are enforced based on the authority of the subject at hand, it is the high quality of the Court's decisions that strengthens respect and compliance with its judgments. The references to the jurisprudence of the Court by other international jurisdictions attest to that. Both the representation of the world's principal legal systems within the membership of the Court and the use of its two official languages make an enormous contribution to improving the quality of its decisions.

I would also like to take this opportunity on behalf of France to express to the Court, the Judges, the Registrar and the Court's entire staff our profound gratitude for their outstanding work.

Mr. Koch (Germany) (*spoke in French*): At the outset, on behalf of the German delegation, I would like to warmly thank Judge Ronny Abraham, President of the International Court of Justice, for his detailed presentation on the work of the International Court of Justice. We would also like to thank all the Judges and staff of the Court for their tireless efforts in the service of international law. This year we will hold elections for one third of the membership of the Court, which is also clearly a key factor in its success. We firmly believe

that ensuring that the world's diverse legal systems, cultures and languages are represented in the Court's composition contributes significantly to the quality and full acceptance of its work.

(*spoke in English*)

I would like to highlight a few additional points of particular importance.

First, the consent of States remains the indispensable foundation on which the jurisdiction of the International Court of Justice is based. In that regard, in 2008 Germany gave its consent, in the form of a declaration under Article 36, paragraph 2, of the Statute of the Court, recognizing the Court's jurisdiction as compulsory. Like previous speakers today, we encourage other States to do so as well. When States submit to the Court's jurisdiction, they must respect and comply with its decisions. That is true not only for the International Court of Justice, but also for other international courts and tribunals, and it refers both to decisions regarding the merits of a case and decisions on jurisdictions. Conversely, it is still crucial to recognize that without consent, parties cannot be subject to the jurisdiction of the Court. Any deviation from that principle would gravely endanger the acceptance of the Court's role and ultimately compromise its effectiveness as a whole.

However, the International Court of Justice has a particular role in that regard, because it has a dual jurisdiction. Besides its jurisdiction in contentious cases, it gives advisory opinions on legal questions at the request of organs of the United Nations, particularly the General Assembly. But we must not blur the line between those two functions. The International Court of Justice should not admit attempts to make what is essentially a dispute between two States into an abstract question of law.

Secondly, I would like to highlight an issue that some describe as the fragmentation of mechanisms for the resolution of international disputes. Today, the international community benefits not only from the International Court of Justice as a means for the peaceful settlement of disputes, but also from other instruments such as the Permanent Court of Arbitration and the International Tribunal for the Law of the Sea. I encourage States and courts to welcome such diversification, as it promotes a sensible division of labour and provides for options that meet the specific requirements of individual disputes and interests.

(*spoke in French*)

In conclusion, the report on the Court's activities (A/72/4) gives an impressive overview of its ever-increasing workload during the past few years. I believe that we should welcome this development, which is indicative of States' growing acceptance of the role that the Court plays in the peaceful settlement of disputes in the field of international law. We call on all States to support the Court and its work, as Germany has always done and will continue to do without fail.

Mr. Locsin (Philippines): We align ourselves with the statement delivered earlier on behalf of the Movement of Non-Aligned Countries by the representative of the Islamic Republic of Iran.

The United Nations was established in the wake of the two cruellest wars in history. The League of Nations was an ambitious attempt to unite the world's Powers for peace after the First World War, but it failed. After the unimaginably greater horrors of the Second World War, the United Nations was founded. Its founding purpose was therefore to maintain international peace and security and prevent any repetition of the horrors that made both world wars so infamous. We all have the duty to work to bring about those ends by peaceful means, and to achieve the adjustment and settlement of international disputes and situations that might lead to conflict in accordance with the principles of justice and international law.

Judicial settlement is a uniquely cost-effective mode for the peaceful settlement of disputes, while the cost of the alternatives is incalculable. No price can be put on lost and shattered lives. Well into its eighth decade, the International Court of Justice has become firmly established at the centre of the international rule of law and the peaceful settlement of disputes. History has confirmed it and the General Assembly has recognized it time and again. The Philippines reaffirms its confidence in the Court and extends warm greetings to the entire team in The Hague, led by President Ronny Abraham, whom we also thank for his comprehensive report on the work of the Court (A/72/4) over the past year.

Five years ago, the General Assembly also affirmed the Court's essential contribution to the rule of law in paragraph 31 of the Declaration on the Rule of Law at the National and International Levels (resolution 67/1). The Manila Declaration on the Peaceful Settlement of International Disputes, adopted by the Assembly

in 1982, was the first comprehensive plan and consolidation of the legal framework for the peaceful settlement of international disputes, building on the Charter of the United Nations. It affirms the principle of judicial settlement and the central role of the Court.

The Philippines would like to believe that the Manila Declaration gave impetus to the Court's increased activity in the 1980s and up to the present day. That may be no coincidence. The increasing confidence of Member States, especially developing countries, in the Court's integrity, impartiality and independence is not unrelated to the norms, values and aspirations articulated in the Manila Declaration, the most fundamental of which is the principle of the non-use or threat of use of force.

The Court is the only forum for resolving justiciable disputes between States across the vast field of general international law. In the period under review the Court has been seized of 17 cases, ranging from territorial and maritime disputes, environmental damage and the conservation of living resources to nuclear disarmament and human rights, consular rights, the immunities of States and their representatives and the interpretation and application of international treaties and conventions. Such varied subject matter, along with the diverse geographical spread of the Court's cases, is a testament to the Court's position as the only international court of universal character with general jurisdiction. However, of the 193 States parties to the Statute of the Court, only 72 States, including the Philippines — a little more than a third — have made a declaration recognizing the jurisdiction of the Court as compulsory. That is why we reiterate our call to the Security Council to consider Article 96 of the Charter of the United Nations more seriously and to make greater use of the Court as a source of advisory opinions and for the interpretation of relevant norms of international law. The Security Council can take a leaf out of the General Assembly's book, which, through resolution 71/292, has requested the Court's advisory opinion on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965.

The Philippines reaffirms the importance of the unanimous advisory opinion of the International Court of Justice of 8 July 1996 on the *Legality of the threat or use of nuclear weapons*. The Court concluded that there is an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all aspects under strict and effective international control.

The Philippines supports the Court's efforts to continually adapt its working methods in response to its increased workload and to publicize its decisions, including through multimedia platforms and the Internet. We must help the Court reach out and work with young people from various backgrounds and in various venues, so as to internalize and entrench universal norms of conduct in individuals and States, until seeing that justice is done, and keeping the peace, become reflexive actions — as for so many centuries their opposites have been in humankind's sad history.

On that note, the Assembly can continue to count on the Philippines as a strong supporter of the International Court of Justice.

Mr. Troncoso Repetto (Chile) (*spoke in Spanish*): I would like to convey my country's greetings to the President of the International Court of Justice, Judge Ronny Abraham, who has provided us with a comprehensive report (A/72/4) for the period from 1 August 2016 to 31 July 2017. It indicates that the Court has done intensive work over the reporting period, addressing increasingly varied issues, which is a challenge and an opportunity for reaffirming the role of international law in relations among States and the values it should promote and protect. We commend the updating of the Court's website, which gives users a broader and more comprehensive acquaintance with its activities.

The cases currently before the Court deal with very diverse matters that encompass, among other things, territorial and maritime issues, consular law, human rights, international liability and reparation of damages and the immunity of States and their representatives and property, all of which require skilled interpretation and application of the sources described in Article 38 of its Statute.

Through its decisions, the Court, as the principal judicial organ of the United Nations, performs a vital role in support of the validity and effectiveness of international law. Moreover, it generates valuable case law that contributes to better knowledge and determination of applicable international law. The Court has thus become an essential organ in the functioning of an international legal order that is called on to foster peaceful coexistence among peoples, prevent conflicts and promote confidence in a universally respected

legal order. We appreciate the International Court of Justice's lofty responsibilities, mission and work, which reflect the pre-eminence of international law. For States to accept the jurisdiction of the Court, it is crucial to ensure their confidence that it is carrying out its work according to the highest standards of integrity, impartiality and independence, in the context of international law and in accordance with the principles enshrined in the Charter of the United Nations for guaranteeing peaceful coexistence among States.

As the Assembly is aware, my country is currently a party to two cases whose proceedings are before the International Court of Justice and that have required special attention. As we participate in them, we reaffirm our commitment to international law and peaceful relations among States. As we have repeatedly stated, one of the central principles guiding Chile's foreign policy is the peaceful settlement of international disputes, together with the principle of the importance of respect for international treaties as an expression of consent governed by international law. The strict observance of treaties, their implementation in good faith and their stability over time are essential conditions for peaceful relations among nations.

Chile has total faith in the application of international law in relations with other States. That commitment compels us all to respect the fundamental principles of coexistence among States and to refrain from engaging in conduct that could affect the normal development of those relations. That is particularly relevant in situations where the International Court of Justice is conducting proceedings on specific cases. We should also remember that once a case has been referred to the Court, the Court alone has competence to address it. It is not acceptable for an issue that is sub judice to be referred simultaneously to bodies or forums of a political nature.

We join others in their expressions of respect and support for the Court as the principal judicial organ of the United Nations system, and trust that the Organization will continue to furnish it with the human and material resources that its judicial mandate and important functions require.

Mrs. Mangklatanakul (Thailand): The Kingdom of Thailand aligns itself with the statement delivered earlier by the Permanent Representative of the Islamic Republic of Iran on behalf of the Movement of Non-Aligned Countries.

My delegation would like to express its appreciation to Judge Ronny Abraham for his comprehensive report (A/72/4) on the activities of the International Court of Justice in the past year. Thailand would like to affirm its full confidence in the Court, the principal judicial organ of the United Nations, in its efforts to safeguard the purposes and principles of the Charter of the United Nations and maintain international peace and security.

The diversity and complexity of the cases submitted to the International Court of Justice add tremendously to the Court's indispensable role and contribution, through its judgments and advisory opinions, to the peaceful settlement of disputes and the advancement of the rule of law and beyond. Moreover, we cannot overemphasize the extent to which the Court plays a significant part in the progressive development of international law by clarifying and amplifying it and by promoting a greater understanding of it at every level.

We follow the work of the International Court of Justice closely and with great interest. In this respect, Thailand wishes to congratulate the Court for providing another layer of predictability in international relations by clarifying the substantive customary international law codified in the Vienna Convention on the Law of Treaties with regard to the validity and interpretation of treaties. In particular, in its judgment rendered on 2 February 2017 in the case *Maritime Delimitation in the Indian Ocean* (*Somalia v. Kenya*), the Court ruled on the legal status and objectives of the 2009 Memorandum of Understanding between the two countries.

With regard to the case *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament* (*Marshall Islands v. India*), we note that the Court ruled that it had no jurisdiction in the absence of a dispute between the parties. However, my delegation is of the view that the Court missed a great opportunity to express its views and provide greater certainty and predictability by interpreting article VI of the Treaty on the Non-Proliferation of Nuclear Weapons in a binding manner, which is still very much needed today. Furthermore, Thailand is interested in the question raised by the International Court of Justice in this case as to whether or not votes cast by Member States on draft resolutions before such political organs as the General Assembly can be construed to indicate or imply the existence of a legal dispute between parties. We believe that this question needs further attention and deliberation.

Thailand wishes to encourage the General Assembly, the Security Council and other organs, including the specialized agencies of the United Nations, to make greater use of the International Court of Justice and support its role in issuing advisory opinions on important topics in accordance with Article 96 of the Charter of the United Nations. Although these advisory opinions and other *obiter dictum* of the Court are not legally binding in nature, they carry moral and persuasive authority that can have a broad impact and lead to the peaceful settlement of disputes without parties having to undergo lengthy contentious proceedings.

My delegation cannot emphasize enough how much importance we attach to the work of the International Court of Justice. Throughout the year, its Judges and Registry work daily to ensure that the rule of law is upheld and to maintain a world of peace. In the light of this fact, we are of the view that, above all else, the integrity and independence of its Judges must be maintained. There should be a pension scheme for members of the Court so that they can enjoy security and equal treatment when they retire from their long years of service to the international community as adjudicants of international disputes. We therefore welcome the decision taken by the General Assembly in the last session to extend the discussion with regard to their retirement benefits to its seventy-fourth session.

Thailand also wishes to thank Mr. Philippe Couvreur, Registrar of the International Court of Justice, for educating and sharing his wisdom and insight with young Thai lawyers specializing in international law at the lecture series organized by the Department of Treaties and Legal Affairs of Thailand in Bangkok in February. We commend the Registry's role in upholding the rule of law and promoting the wider appreciation of international law to that end. We hope that useful programmes like the lecture series will be offered in future.

Finally, for all the foregoing reasons, Thailand once again wishes to express its gratitude to all the Judges, the Registrar and the Registry staff for their unwavering dedication and commitment to maintaining peace, justice and the rule of law within the international community.

Mr. Skinner-Klée (Guatemala) (*spoke in Spanish*): Guatemala takes the opportunity provided by the presentation today of the annual report of the International Court of Justice to the General Assembly (A/72/4) to share its views on the Court's role in promoting the rule of law, following the invitation extended to us by the Assembly in resolution 71/148 of 13 December 2016.

We are aware that, during the past 20 years, the workload of the Court has increased considerably. In this regard, the President of the Court, His Excellency Judge Ronny Abraham, in his statement before the General Assembly on 27 October 2016, stressed that the Court had not lost sight of

> "the importance of continually reflecting on the need to adapt the Court's working methods in order to respond to the increase in its workload and the complexity of the cases submitted to it" (*A/71/PV.34, p.8*).

Guatemala recognizes that the Court plays a fundamental role in the maintenance and promotion of the rule of law throughout the world. In that regard, my delegation notes with satisfaction that, in paragraph 8 of resolution 71/146, of 13 December 2016, the General Assembly recognizes the

> "important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, as well as the importance of having recourse to the Court in the peaceful settlement of disputes",

which is an assertion that we endorse today as both valuable and necessary.

The fundamental role of the Court in the system of peacefully settling disputes between States established by the Charter of the United Nations is recognized at the global level, which is why we must emphasize that all of the Court's endeavours are aimed at promoting and strengthening the rule of law. Through its judgments and advisory opinions, the Court contributes to interpreting and strengthening international and customary law, as well as generally accepted practices, making them all more robust.

Accordingly, the President and other members of the Court, the Registry and other staff members periodically speak and participate in forums, both in The Hague and elsewhere, on the Court's operations, proceedings and jurisprudence. These presentations allow the public to gain better knowledge of the work of the Court, both in terms of contentious proceedings

and consultative activities. In this regard, aware that the Court seeks to achieve the greatest possible understanding and dissemination of its decisions worldwide through its publications, we call for the use of all official languages of the United Nations in the important work the Court publishes so as to achieve greater dissemination and wider reach.

During the reporting period, the International Court of Justice had a particularly heavy workload, with 19 pending contentious cases and one pending advisory procedure, in addition to having issued four judgments and 14 orders. During this same period, the International Court of Justice held five hearings and dealt with five new contentious cases as well as one request for an advisory opinion. In addition, as of 31 July 2017, the Court still had 17 cases pending.

The outstanding contentious causes affect States on four continents, among which six States of the Americas, five States of Africa, five States of Europe and five States of Asia are involved. This geographical diversity among the cases reflects the universal nature of the jurisdiction of the principal judicial organ of the United Nations. We reiterate our respect for the Court and praise it for its work.

Mr. Alday González (Mexico) (*spoke in Spanish*): Mexico thanks Judge Ronny Abraham, President of the International Court of Justice, for presenting the report on the activities of the International Court of Justice during the reporting period (A/72/4). The number of cases being heard, including the submission of new cases and a request for an advisory opinion, are a testament to the dynamic nature of the Court and reflect its relevance, given that States continue to turn to it for the resolution of their disputes. The report also reflects the universality of the Court, demonstrating the regional diversity of its cases and the range of issues that are addressed, including territorial and maritime disputes, issues of consular law, human rights, environmental law, international accountability and the question of damages, immunity and the interpretation and application of international treaties.

The volume of the International Court of Justice's judicial activity is unique and distinct from that of other international courts and tribunals. International criminal tribunals and human rights tribunals seek to dissuade actors from perpetrating crimes and other violations of human dignity, with the ultimate goal of one day having no cases to consider. In contrast, recourse to the International Court of Justice will always be attractive for States, with the increase in its case load being a healthy symptom of the preference for peaceful solutions to controversies, as opposed to confrontation. For my delegation, that will always be the best approach. However, in order to guarantee that recourse to the Court remains an attractive option for States, it is necessary for the Court's judgments to be upheld. Adjudication alone is not enough to restore the rule of law when it is violated. Rather, adjudication is a prerequisite for taking measures to restore law and order.

Although paragraph 2 of Article 94 of the Charter of the United Nations indicates that the Security Council can take action in cases of non-compliance with the obligations imposed by a Court ruling, the political considerations surrounding the Security Council sometimes make it an inefficient and therefore ineffective mechanism, which can no doubt generate frustration among the States that have decided to submit their disputes to the Court in good faith. Mexico is no stranger to that reality. Nevertheless, we remain convinced that a simple, well-reasoned decision to call upon the Court must alone represent a willingness to comply with its rulings. Paragraph 1 of Article 94 of the Charter, on good-faith compliance with the Court's decisions, should always take precedence of the Article's second paragraph. Therefore, it is important to uphold the finality of the Court's judgments; such finality is set forth in Article 60 of the Statute of the Court.

While each and every one of the Court's judgments serves to consolidate the rule of law at the international level, the Court's impact extends beyond its judgments. Its openness to participating in and holding discussions in different forums, whether official or academic, with a range of stakeholders, also serves that purpose.

The world is facing new challenges. At a time when the drift towards isolationism and detachment from the multilateral order appears increasingly tempting, the validity of international law put to the test almost daily. This is a moment when the pre-eminence of the Charter of the United Nations becomes key and when the need for a strong Court is at its greatest, whose judgments are seen as success stories in our commitment to the law. We must therefore make greater efforts for the work of the Court to be known. Court cases should not only be understood and analysed in governmental and academic circles, but should also reach the widest

possible audience so that, in difficult times, the United Nations, through its principal judicial body, can be seen to provide concrete results that allow for the peaceful restoration of the rule of law.

We, the Member States, must honour our commitments to upholding international law. Strengthening the Court also means giving it our vote of confidence by recognizing its compulsory jurisdiction. We therefore strongly welcome the fact that Equatorial Guinea has recently joined the group of States that have expressly recognized that jurisdiction. We can also support the Court in other ways, for example, by including jurisdictional clauses in international treaties, by applying *forum prorogatum* or by calling upon the Court's advisory function, keeping in mind that the number of contentious cases in the past decade has been greater than all the advisory opinions issued by the Court since its inception.

Finally, we must ensure that the Organization endows the Court with the funds it needs to effectively fulfil its mandate. I reiterate the unwavering commitment of Mexico to the settlement of disputes through peaceful means and therefore its commitment to the International Court of Justice.

Mr. Mohamed (Sudan) (*spoke in Arabic*): My country's delegation aligns itself with the statements delivered by the representatives of the Islamic Republic of Iran and Algeria on behalf of the Non-Aligned Movement and the Group of African States, respectively. We thank the International Court of Justice for the report on its judicial activity from 1 August 2016 to 31 July 2017 (A/72/4).

The maintenance of international peace and security is one of the most important objectives of the United Nations. This objective is enshrined in the Charter of the United Nations as one of the reasons for the creation of the Organization. One of the essential principles of the Charter is that all Member States must strive to resolve their international disputes by peaceful means that do not pose a threat to international peace and security.

We commend the United Nations and its ongoing commitment to the peaceful settlement of disputes, which it has demonstrated on several occasions, with, for example, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, in 1970, the Manila Declaration on the Peaceful Settlement of International Disputes, in 1982, and the 2005 World Summit Outcome. The same can be said for a number of international instruments that were recently adopted by the General Assembly and the Security Council. The Charter should not just urge States to peacefully settle their disputes, but it should also provide a platform for doing so, pursuant to international law; this is the prime task of the International Court of Justice.

In order for the Court, as the principal judicial body of the United Nations, to be able to settle disputes, however, the States concerned must accept its jurisdiction, which can be done in various ways, including through a special agreement whereby a country becomes party to a treaty that stipulates that the Court is the body responsible for the arbitration or settlement of disputes arising from the treaty, or, in the alternative, it could issue a unilateral declaration accepting the Court's jurisdiction. Accordingly, the number of States accepting the Court's jurisdiction has increased, which has allowed the Court to carry out its work more effectively, bring about the peaceful settlement of disputes, maintain international peace and enable States to develop friendly relations based on the rule of law.

In recent years, the Court's activities have substantially increased, with an increasing number of Member States referring to it as the appropriate and effective venue for ensuring the peaceful settlement of disputes. The exclusive jurisdiction of the Court covers all cases referred to it by States parties, as well as all matters related to the authority of the Charter, and treaties and conventions in force; its authority is supported by the universal character of the judgments it issues. As a result, the Court is the organ of choice by States for the resolution of legal disputes.

To further energize that dynamic and encourage States to refer their disputes to the Court, the Secretary-General launched a campaign in 2013 to increase the number of States accepting the compulsory jurisdiction of the Court under Article 36, paragraph 2, of its Statute and to encourage States that had lodged reservations with regard to arbitration articles in international treaties to withdraw them. This campaign was successful and constructive and underscored the importance of the peaceful settlement of international disputes. Still, it is important that the campaign be extended. To that end, my country's delegation feels that it is especially important for Member States to

support United Nations endeavours and participate in any initiative that promotes accepting the universal jurisdiction of the Court.

As a judicial organ, the International Court of Justice is an especially attractive venue because the Court can be seized of all legal disputes under international law. Indeed, unlike other mechanisms aimed at settling disputes, the scope of the Court is not limited to one single area of international law. Any dispute can be referred to it, provided that the parties to the dispute wish to have it resolved there. The Court offers a number of options for the peaceful settlement of disputes as well as the means to break deadlocks effectively and in a cost-efficient manner. It delivers authoritative judgments and, more importantly, plays a major role in establishing the rule of law at the international level. By applying the law to its cases, it establishes and develops international law, thereby promoting the rule of law more generally. In other words, when States consent to and accept the jurisdiction of the Court as parties to a case within its jurisdiction, they are clearly indicating their recognition and respect for the rule of law. That is beneficial not just for consenting States, but for international law in and of itself, and for the entire international community.

In conclusion, my country's delegation calls on all Member States to make use of the various mechanisms and tools developed under international law, in particular the International Court of Justice, to settle disputes peacefully, and expresses its appreciation for the Court and all the steps that it has taken to fulfil its mandate as effectively as possible. We underscore the importance of finding ways to strengthen the Court and bolster its role, as it is the principal judicial organ of the United Nations.

From this rostrum, we call on the General Assembly and the Security Council to exercise wherever possible the power conferred upon them by Article 96 of the Charter to request advisory opinions from the International Court of Justice on any legal issue. We also encourage other countries to consider referring their disputes to the Court, using all possible means set forth in its Statute. Moreover, we urge States that have not yet done so to accept the jurisdiction of the Court in accordance with its Statute.

Mrs. Rolón Candia (Paraguay) (*spoke in Spanish*): I commend and congratulate Mr. Ronny Abraham in his capacity as President of the International Court of Justice, as well as the other judges of that international judicial body, for their hard work in advocating for the universal consecration of the principle of the peaceful settlement of international disputes. My country welcomes the report of the International Court of Justice for the period from 1 August 2016 to 31 July 2017 (A/72/4).

The Republic of Paraguay has a long-standing tradition with regard to multilateral issues, as one of the founders of the now-defunct League of Nations, and its successor, the United Nations. In the Republic of Paraguay, the rule of law prevails, international law is accepted, and the general principles that govern its international relations and its domestic legal system are adapted in accordance with its Magna Carta. We have also enshrined in our law both the renunciation of war and the inherent right to legitimate self-defence in cases of aggression. The Republic of Paraguay reiterates its commitment to and unconditional respect for the purposes and principles enshrined in the Charter of the United Nations, in particular the peaceful settlement of international disputes and the abstention from use or threat of use of force.

With regard to the jurisdiction of the International Court of Justice, the Republic of Paraguay is currently celebrating the twenty-first anniversary of depositing its declaration of acceptance of the compulsory jurisdiction of the Court in relation to any other State accepting the same obligation, with the goal of settling *ex nunc* all disputes provided for in Article 36, paragraph 2, of the Statute of the Court. It is worth mentioning that the only limitation Paraguay places on its acceptance of the Court's jurisdiction is *ratione temporis*. Consequently, our acceptance may be view to be very broad in terms of the legal disputes set forth in the Statute.

We take this opportunity to share with the General Assembly the fact that Paraguay's experience with respect to the Court's jurisdiction dates back to the American Treaty on Pacific Settlement of 1948, also known as Pact of Bogotá, which aimed at ensuring the abstention from use or the threat of the use of force, or any other means of coercion, in the settlement of disputes, and the recourse at all times to peaceful procedures whereby the high contracting parties declare that they accept *ipso facto* the compulsory jurisdiction of the Court with respect to any other State of the Americas. The importance of this regional instrument is therefore worth emphasizing.

The Republic of Paraguay, a peace-loving State, commends the other 72 States that have accepted the compulsory jurisdiction of the Court, in particular Equatorial Guinea, the Netherlands, Pakistan and the United Kingdom of Great Britain and Northern Ireland, each of which recently deposited a declaration to this end. This should encourage the international community to continue to pool its efforts aimed at promoting the rule of law and the principle of the peaceful settlement of international disputes. We urge those States that have not yet done so to accept the jurisdiction of the Court.

The Republic of Paraguay wishes to highlight the advisory work of the Court, which, since its establishment, has issued more than 20 advisory opinions. Set alongside its judgments, the advisory opinions have helped to bring about a greater understanding of international law in general and its further development. Similarly, with regard to its publications, both in print and digitally, the Republic of Paraguay encourages the Court to continue to publish its work and to ensure in particular that its publications are available in all the official languages of the United Nations. In addition, the delegation of Paraguay wishes to encourage Member States to pool their efforts with a view to guaranteeing the financial resources the Court needs for its work to be sustainable. As we wish the judges of the Court continued success in their functions in the current and future phases of their work, my delegation encourages them to continue to strive for legal equality among States and to make strides towards true universal peace.

Finally, with respect to the principle of the legal equality of States, which is one of the cornerstones of international law, we wish to recall the words of Manuel Gondra Pereira, a Paraguayan intellectual from the last century, who in 1924, at the fifth Pan-American Conference, held in Santiago, Chile, said,

> "In a conflict between States, the weak may be just, the strong also be just. But the injustice of one may be constrained by its own fragility, while the injustice of the other may seek to reach wherever its strength allows. Therefore, since the just cannot always be strong, we have pledged to make sure that the strong is always just."

Mr. Bin Momen (Bangladesh): Bangladesh thanks Judge Ronny Abraham, President of the International Court of Justice, for his comprehensive report, which details the judgments rendered by the Court during the reporting period (A/72/4). We also take note of the measures adopted to make the Court function with enhanced efficiency and visibility.

Bangladesh aligns itself with the statement delivered by the representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement. We thank the Court and its President for handing down a considerable number of orders during the reporting period.

Bangladesh attaches great importance to the crucial role played by the Court in promoting the peaceful settlement of international disputes, as set forth in the Charter of the United Nations. The Court has a crucial role to play in upholding and promoting the rule of law and in the maintenance of international peace and security. We highlight the power of the General Assembly, the Security Council and other authorized bodies of the United Nations, as well as specialized agencies with in its principal organs, to invoke the Court's advisory jurisdiction.

Bangladesh believes that the international community's sustained confidence in the International Court of Justice's work is manifest through the broad range of subjects of the cases submitted to it. The diversity of the subject matter further illustrates the general character of the Court's jurisdiction. While Bangladesh acknowledges the possibility of submitting cases involving contentious and protracted disputes on a wide range of subjects to the Court for authoritative judgments, orders and advisory opinions, we consider it advisable to submit cases matters of sufficient weight so as to avoid overloading the Court's already heavy workload, especially when many of those issues can be resolved through other legal and peaceful means.

As a nation with unequivocal commitment to the peaceful settlement of disputes, Bangladesh duly acknowledges the Court's judgments, advisory opinions and ongoing work with respect to territorial integrity and sovereignty, the unlawful use of force, and interference in the domestic affairs of States, among other issues. Bangladesh continues to follow with interest the Court's work on territorial and maritime disputes and on the conservation of natural and living resources. We have demonstrated our commitment to the international rule of law by resolving outstanding boundary-delimitation issues with our neighbouring countries through legal and peaceful means.

Bangladesh recalls the Court's valuable role in paving the way for the landmark adoption of Treaty on the Prohibition of Nuclear Weapons that we signed this year. Every year, we continue to co-sponsor the General Assembly draft resolution entitled "Follow-up to the Advisory Opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons".

Bangladesh acknowledges the need for adequate resources to ensure the proper functioning of the Court and urges all Member States to give due consideration to the Court's requests in this regard. We take note with appreciation of the efforts being made to further upgrade the Court's visibility online, including through its website, and to enhance the use of information and communications technologies in tandem with the growing volume and complexity of its work. We thank the Court for broadening its outreach to include more young people and students. We would recommend that the Court and its Registry consider ways to allow eligible students from the least developed and developing countries to benefit from the hands-on experience of working with the Court.

Bangladesh remains mindful of the General Assembly's call upon States to accept the Court's jurisdiction in accordance with its Statute. The authorities concerned should keep this issue under active consideration.

Mr. Lefeber (Netherlands): I would like, first of all, to thank His Excellency Mr. Ronny Abraham, President of the International Court of Justice, for his presentation of the report of the International Court of Justice (A/72/4) and for the outstanding work of the Court as the principal judicial organ of the United Nations. The Kingdom of the Netherlands continues to be proud to be the host country of the Court.

My Government recently renewed its declaration of acceptance of the compulsory jurisdiction of the International Court of Justice with a view to eliminating prior limitations on the jurisdiction of the Court in contentious cases involving the Kingdom of the Netherlands. Our only remaining reservation to the Court's jurisdiction is now one of *ratione temporis*: the Kingdom of the Netherlands will accept the Court's jurisdiction over all disputes arising out of facts or situations arising no earlier than 100 years before the dispute is brought before the Court.

We would encourage all States Members of the United Nations that have not yet done so to accept the compulsory jurisdiction of the Court by issuing a declaration pursuant to Article 36 of the Statute. We would also invite those States declaring acceptance of the Court's jurisdiction to do so with as few reservations as possible.

In this context, my Government notes with concern recent developments that point in the direction of more, rather than fewer, reservations being declared with respect to acceptance of the Court's jurisdiction. The Kingdom of the Netherlands considers additional limitations of the Court's jurisdiction to be undesirable and therefore would invite States that have entered reservations to reconsider them and amend their declarations to remove limitations on the exercise of jurisdiction of the International Court of Justice.

The meeting rose at 1 p.m.